

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OAKLEY, INC., a Washington corporation)
)
Plaintiff,) CASE NO. SACV10-00327-CJC(FFMX)
vs.)
) **FINAL JUDGMENT**
FOARM FOLLOWING FUNCTION, INC., a)
California corporation, TRAMWAY)
VENTURE PARTNERS, INC., a California)
corporation, JAMES HALE, an individual,)
)
Defendants.)
)
)

The court, having reviewed the stipulated judgment submitted by the parties, and finding good cause, hereby orders and decrees, as follows:

1. Defendant Foarm is the owner by assignment of U.S. Patent No. 5,351,868. Foarm warrants that it is the sole owner of U.S. Patent No. 5,351,868, and that no other entity is an owner, U.S. Patent No. 5,351,868 has been assigned, licensed, or transferred to any third party, and no third party is entitled to enforce any rights or claims under U.S. Patent No. 5,351,868.

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- 1 2. Defendant alleged infringement of U.S. Patent No. 5,351,868 by way of a cease
- 2 and desist letter sent to Plaintiff.
- 3 3. Oakley filed this action seeking a declaration of its rights, and particularly
- 4 declaring that Oakley does not infringement U.S. Patent No. 5,351,868 and that
- 5 U.S. Patent No. 5,351,868 is invalid and/or unenforceable.
- 6 4. On behalf of itself, its successors, assigns, licensees, transferees, parents,
- 7 subsidiaries, officers, directors, owners, employees, and all those affiliated with
- 8 it, Defendant Foarm covenants not to sue, at any time, Oakley, its parents,
- 9 subsidiaries, affiliated companies, successors, assigns, customers, distributors,
- 10 officers, directors, employees, agents, or servants for infringement (including but
- 11 not limited to direct infringement, indirect infringement, contributory
- 12 infringement, or vicarious infringement) of U.S. Patent No. 5,351,868, or any
- 13 continuation, continuation-in-part, divisional, or foreign patent claiming priority
- 14 to U.S. Patent No. 5,351,868.
- 15 5. This action is dismissed with prejudice in its entirety.
- 16 6. Each party will bear its own costs associated with this action.

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18 **IT IS SO ORDERED.**

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20 DATE: July 21, 2010



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U.S. District Judge